HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.13412 of 2003

Dated 27th day of September, 2007

Between:

M/s.Style Lamp Industries, Bhimavaram
rep. by its Proprietor .. Petitioner

And

The Commissioner,
Nidadavolu Municipality, Nidadavolu
and another ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in calling Tenders from Class-I Contractors and authorized dealers of Crompton company for supply of electrical goods and streetlight fittings without giving preference of purchase of the goods from the small-scale industries in the State, as arbitrary and illegal.

The case of the petitioner is that it is a small-scale industry, which was registered with the Department of Industries on 22.9.1999. It is engaged in the manufacture of electrical goods such as streetlights and fittings. In order to encourage the establishment of growth of local small-scale industrial units, the Government issued orders and instructions from time to time providing various facilities and concessions such as price and purchase preference for marketing the goods manufactured by the local small-scale industrial units. According to the petitioner, the Government issued G.O.Ms.No.1020, dated 30.11.1976 making it obligatory to all the Government Departments, State Public Sector Undertakings, Corporations and Quasi-Government Bodies to purchase their requirements from the local small-scale industrial units only. Now, the petitioner's grievance is that in spite of the instructions, the Government or its departments are not placing any orders with it.

Heard the learned counsel for both the parties and perused the material placed on record.

As the instructions issued by the Government are not strictly implemented and it was also brought to its notice that some of the Government departments continue to purchase their requirements from

outside the State even though similar goods of requisite quality are produced within the State, the Government though it fit to issue instructions to various Departments of the State Government, and accordingly, G.O.Ms.No.1020, dated 30.11.1976 came into force. It is true that in the G.O., it is made clear that all items manufactured by the small-scale industries within the State shall be purchased by all the organizations such as Government Undertakings, Corporations and Quasi-Government Bodies. In the G.O., certain items are also specified which shall be purchased by the Government Departments from the small-scale industrial units only. They are as follows:

a) Paints
b) Door and Windows
c) Steel Windows and Trusses
d) Store-ware pipes
e) Sanitary-ware
f) Mosaic Tiles
g) C.I. Pipes and Specials
h) R.C.C. Pipes
i) Builder Hardware
j) Iron Clad Switches

Unfortunately, the items, which the petitioner manufactures, are not covered under any of those items mentioned in the G.O. However, as the petitioner is a small-scale industrial unit and the instructions issued in the G.O.Ms.No.1020 are meant only to encourage the small-scale industrial units, which are financed by the Government, this Court is of the view that the Government Bodies may prefer to purchase the electrical items, which are manufactured by the petitioner, whenever there is any requirement.

With the above observation, this writ petition is disposed of. No costs.

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27.09.2007

bcj